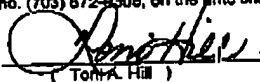


I hereby certify that this correspondence is being facsimile transmitted to the Patent and Trademark Office, facsimile no. (703) 872-8308, on the date shown below.

Dated: October 22, 2004

Signature:


(Tom A. Hill)

Docket No.: 09432/168002

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:
David L. Mallis

Application No.: 09/843,560

Confirmation No.: 9436

Filed: April 26, 2001

Art Unit: 3729

For: TUBULAR JOINT WEAR INDICATOR

Examiner: Anthony D. Tugbang

NOTICE OF APPEAL

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

Applicant hereby appeals to the Board of Appeals from the decision of the Patent Examiner dated August 11, 2004, finally rejecting claims 1-22 and 24 of the above-identified patent application.

Please charge our Credit Card in the amount of \$1,320.00 covering the fee set forth in 37 CFR 41.20(b)(1) and 1.17(a)(3). Credit Card Payment Form SB-2038, with a signature from an authorized cardholder, is enclosed. The Director is hereby authorized to charge any deficiency in the fees filed, asserted to be filed or which should have been filed herewith (or with any paper hereafter filed in this application by this firm) to our Deposit

Application No.: 09/843,560

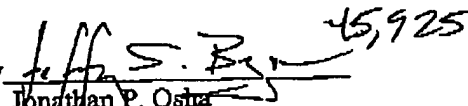
Docket No.: 09432/168002

Account No. 50-0591, under Order No. 09432/168002. A duplicate copy of this paper is enclosed.

Dated: October 22, 2004

Respectfully submitted,

By

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